

REMARKS

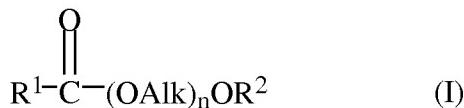
Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

Claim Status

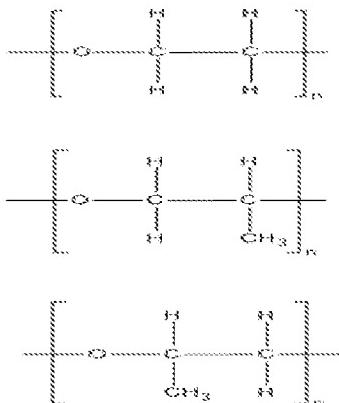
Claims 15-30 are pending. Claims 18 – 22 have been amended. Support for the amendment to independent claim 18 is found in present specification at page 5, lines 11 – 15. The remaining amendments are made to ensure consistency with amended claim 18. No claims have been cancelled or added.

Summary of the Claimed Invention

The invention as presently claimed is directed to methods of rinsing machine washed tableware materials which comprises the step of providing a rinsing agent comprising a specific compound, namely a compound according to the following formula I:



Importantly, the claims as now pending require that the group OAlk independently represents an alkoxylate selected from one of three groups, namely, $\text{CH}_2\text{CH}_2\text{O}$, $\text{CHCH}_3\text{CH}_2\text{O}$ and $\text{CH}_2\text{CHCH}_3\text{O}$. For the purposes of the illustration, these three groups are reproduced structurally below:



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Thus, it can be seen that the compound required in accordance with the present claims includes a group between the R¹CO group and the OR² **that includes no unsaturation**. For the reasons explained more fully below, applicants respectfully submit that the use of such a molecule in accordance with the methods now claimed is neither disclosed nor suggested by the prior art cited by the Examiner.

Rejections under 35 U.S.C. Sections 102(b) and 103(a)

A) Clarification of Claim Pendency and Claim Rejections

Applicants respectfully request that the Examiner provide clarification in the next response regarding his understanding of the current claim pendency. The outstanding office action on page 1, box 4 indicates that claims 15 - 30 are pending in the application, and in box 6 that claims 15 - 30 are rejected. This is consistent with the listing of claims provided by the applicant and the response filed on March 26, 2008.¹ However, in the body of the office action the Examiner has included rejections of claims 31 – 36. Since applicants believe that such claims are not currently pending, these rejections have not been addressed in this reply. Applicants respectfully request that the Examiner in his response to this paper confirm that his understanding of the claim pendency is consistent with that presented herein.

B) The Substantive Rejections

The Examiner rejected previously pending claims 15-19 and 24 – 30 under 35 USC 103(a) as obvious over JP 05-202382 (JP'382) in view of Haerer et al. (US 5,602,093). The examiner also rejected claims 21 -22 under 35 USC 103(a) as obvious over JP 05-202382 (JP'382) in view of Lewis (5,162,305) and claims 20-23 over JP 05-202382 (JP'382) in view of Kwetkat (6,156,721). According to the Examiner, JP 05-202382 (JP'382) is the primary reference in all of the rejections

¹ Applicants acknowledge, however, that the remarks portion of the March 26 reply is inconsistent in that it also indicates that claims 31 and 33 -- 36 are pending in the application. At the present time, applicants believe that the claim listing submitted on March 26, 2008 is controlling.

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because it "discloses a detergent composition useful for dishwashers comprising 1 – 10% by weight of a nonionic surfactant of formula I which is an alkoxylated carboxylic ester..." (office action, paragraph 3, citing the abstract). Although applicants do not necessarily accede the correctness of any of the other statements or positions taken by the Examiner with regard to the prior art or the claimed invention, applicants believe that the Examiner's position that the material disclosed in JP'382 comprises a compound in accordance with formula I of the present claims is not correct. For this reason alone applicants respectfully submit that the outstanding rejections are improper and should be withdrawn, as explained in detail below.

B) The Pending Claims are Patentable

The abstract of JP'382 teaches a nonionic surfactant "expressed by the formula (R1-C(O)(OR2)nOR3" where "R1 = 5-21C alkyl or alkenyl; **R2 = 2-4C alkylene**; R3 – 1 -4C alkyl;" (emphasis added). Thus, JP'382 is directed to a compound for use as a nonionic surfactant which has at least some unsaturation in the center portion of the molecule, namely, includes a –CH=CH– group in the compound. Since the present method claims require the use of a compound that has no unsaturation in this region of the molecule, the present claims are certainly not anticipated by JP'382. Moreover, applicants respectfully submit, as is well known to those skilled in the art, that the properties and characteristics of molecules having unsaturation can be dramatically different than the properties and characteristics of similar molecules having no unsaturation. Accordingly, applicants respectfully submit that it would not be obvious to person of ordinary skill in the art to make such a substantial modification to the nonionic surfactant compound disclosed in JP'382. Furthermore, there is certainly no suggestion anywhere in the prior art to suggest either such a modification or that such a modification, even if made, would produce the highly advantageous and unexpectedly superior properties described in the present specification. For example, the present specification explains applicants' discovery that the present methods are capable of producing outstanding rinsing methods having excellent wetting effect and excellent foam suppressing effect.

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Furthermore, applicants have carefully reviewed Haurer, Lewis and Kwetkat and find that none of these contain disclosure sufficient to overcome the substantial and significant deficiencies described above with respect to JP'382.

Conclusion

In view of the above amendments and remarks, applicants respectfully submit that the present application is in condition for allowance, and an early notice thereof is hereby earnestly solicited.

Respectfully submitted,

January 30, 2010

Date

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